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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,902	07/09/2003	Yoshihisa Ogata	15-039	8442
23400	7590	09/09/2005	EXAMINER	
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			DUNN, DAVID R	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

1

Office Action Summary

Application No.

10/614,902

Applicant(s)

OGATA ET AL.

Examiner

David Dunn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2003 and 28 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 3-5 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species A in the reply filed on June 28, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 3-5, and 8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim.

Claim Objections

3. Claim 2 is objected to because of the following informalities: in claim 2, line 10, "detected rolling angle" should be --detected rolling angular--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Glaser et al. (6,681,196).

Glaser et al. discloses a system for activating a passenger-protection device comprising: an angular velocity sensor (2); means for calculating (22) a difference between two angular velocities detected in a predetermined time interval (note: see column 5, lines 20-29; a difference between two angular velocities over a time interval is in effect an integration between two points); means for determining that the vehicle is rolling over when the difference exceeds a predetermined value (28); and means for activating the protection device (see column 4, lines 60-65).

6. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Palmertz et al. (6,363,306).

Palmertz et al. discloses a system for activating a passenger-protecting device comprising: an angular velocity sensor (1, 7; see column 10, lines 26-30) for detecting rolling angular velocity of the vehicle; first calculating means (block 11 in Figure 2; see also column 10, lines 30-35) for calculating a rolling angle of the vehicle based on the angular velocity detecting by the angular velocity sensor; first determining means for determining that the vehicle is rolling over when the detected rolling angular velocity and the calculated rolling angle satisfy a predetermined threshold (blocks 14 & 15; see column 10, lines 4-56); second calculating means for calculating a difference between two angular velocities detected in a predetermined time interval (see column 10, lines 15-20; the acceleration is inherently calculated by calculating a difference between two angular velocities in a predetermined time interval; i.e., change in angular velocity over change in time); second determining means for determining that the

vehicle is rolling over when the difference between two angular velocities exceeds a predetermined value (see column 10, lines 58-67); and means for activating the protecting device when either first or second means determines that the vehicle is rolling over (13).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glaser et al. in view of Schiffmann (6,038,495).

Glaser et al. is discussed above but does not disclose the type of airbag or a pretensioner.

Schiffmann teaches a rollover sensing means to control side air bags or pretensioners (see column 1, lines 15-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Glaser et al. with the teachings of Schiffmann to provide a pretensioner as the protection device in order to better protect the occupants during a rollover.

9. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmertz et al. in view of Schiffmann (6,038,495).

Palmertz et al. is discussed above but does not disclose the type of airbag or a pretensioner.

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Schiffmann teaches a rollover sensing means to control side air bags or pretensioners (see column 1, lines 15-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Palmertz et al. with the teachings of Schiffmann to provide a pretensioner as the protection device in order to better protect the occupants during a rollover.

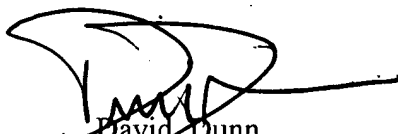
Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Weaver shows a roll sensor system. Yamamoto shows a restraint system of interest. Ogata et al. shows a rollover determination system of interest. Kueblbeck et al. shows a rollover detection system.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 571-272-6670. The examiner can normally be reached on Mon-Fri, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Dunn
Primary Examiner
Art Unit 3616